

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHRISTIAN LEGAL SOCIETY CHAPTER
OF UNIVERSITY OF CALIFORNIA,
HASTINGS COLLEGE OF THE LAW, a/k/a
HASTINGS CHRISTIAN FELLOWSHIP, a
student organization at University of
California, Hastings College of the Law,

Plaintiff,

v.

MARY KAY KANE, et al.,

Defendants.

No. C 04 4484 JSW

Action Filed: October 22, 2004

JOINT STIPULATION OF FACTS
FOR CROSS-MOTIONS FOR
SUMMARY JUDGMENT

Date: December 2, 2005

Time: 9:00 a.m.

Judge: Hon. Jeffery S. White

1 COME NOW Plaintiff Christian Legal Society Chapter of the University of California,
 2 Hastings College of the Law a/k/a Hastings Christian Fellowship and Defendants Mary Kay
 3 Kane, *et al.* and, pursuant to Rule 56 of the Federal Rules of Civil Procedure, Local Rule 56-
 4 2 and this Court's Standing Orders, enter their Joint Stipulation of Facts for Cross-Motions
 5 for Summary Judgment as follows.

6 THE PARTIES

7
 8 1. Plaintiff Christian Legal Society at the University of California, Hastings College
 9 of the Law ("Plaintiff" or "CLS") is an unincorporated student organization made up of
 10 students attending the University of California, Hastings College of the Law ("Hastings") in
 11 San Francisco, California.

12 2. Hastings is a public law school located in San Francisco, California, and part of
 13 the University of California system of schools. *See* 6/6/05 Deposition of Mary Kay Kane
 14 ("Kane Depo.") at 11-12.

15 3. Defendant Mary Kay Kane is the Chancellor and Dean of Hastings. As
 16 Chancellor, her duties consist of overseeing the business side of the campus, including
 17 property, holdings, and investments, representing Hastings before the California State
 18 Assembly, and acting as the liaison between Hastings and other segments of the University
 19 of California. *See id.* at 11-12. As Dean, her duties include, *inter alia*, supervising the
 20 academic side of the school and generally managing the internal operations of the College.
 21 *See* Kane Depo. at 12-13.

22 4. Defendant Judy Chapman is the Director of the Office of Student Services of
 23 Hastings. *See* 6/6/05 Deposition of Judy Hansen Chapman ("Chapman Depo.") at 9. Her
 24 duties include, among others, overseeing the registration of student organizations at Hastings
 25 and the enforcement of Hastings' Policy on Nondiscrimination with respect to students and
 26 registered student organizations. *See id.* at 11, 95-98.

27 5. Defendants Maureen E. Corcoran, Eugene L. Freeland, Carin T. Fujisaki, John T.
 28 Knox, Jan Lewenhaupt, James E. Mahoney, Brian D. Monaghan, Bruce L. Simon, John K.

1 Smith, and Tony West (collectively, Director Defendants) are members of the Board of
 2 Directors of Hastings. The Director Defendants have had no contact with CLS concerning
 3 the registered status of CLS, CLS's bylaws, or CLS's refusal to abide by Hastings' Policy on
 4 Nondiscrimination. *See* Pl.'s Supp. Resp. to Def.'s First Set of Interrogs. No. 24.
 5 Defendants Kane and Chapman have the exclusive authority to enforce the Policy on
 6 Nondiscrimination with respect to registered student organizations at Hastings. *See* Kane
 7 Depo. at 67. Decisions by Defendants Kane and Chapman concerning the registration of
 8 student organizations are not subject to appeal to the Director Defendants. *See id.* at 67-68.

9 **REGISTRATION OF STUDENT ORGANIZATIONS AT HASTINGS**

10
 11 6. Hastings permits student organizations to register with its Office of Student
 12 Services. *See* Kane Depo. at 62-63, Exhibit 1.

13 7. During the 2004-2005 academic year, approximately sixty (60) student
 14 organizations registered with Hastings. *See* Chapman Depo. at 92; First Amended Verified
 15 Complaint ("FAC"), Ex. C. A copy of a list of these organizations is attached as Exhibit A.
 16 Of these sixty (60) organizations, three (3) were religious in nature: Hastings Association of
 17 Muslim Law Students, Hastings Jewish Law Students Association, and Hastings Koinonia.
 18 *See Id.*

19 8. Hastings seeks to promote a diversity of viewpoints among registered student
 20 organizations, including viewpoints on religion and human sexuality. *See* Kane Depo. at 18,
 21 53.

22 9. Student organizations must be registered in order to gain access to the following
 23 benefits:

24 (a) Use of the Hastings name and logos. *See* Chapman Depo. at 57-58; Kane
 25 Depo. Ex. 1 at 21.

26 (b) Use of certain bulletin boards in the basement of Snodgrass Hall. *See*
 27 Chapman Depo. at 55-56; Kane Depo. Ex. 1 at 6, 63.

28 (c) Eligibility for a Hastings organization email address. *See* Chapman Depo.

1 at 58; Kane Depo. Ex. 1 at 7.

2 (d) Eligibility to send out mass emails through Associated Students of the
3 University of California at Hastings ("ASUCH"), *See* Chapman Depo. at 61; Kane Depo.
4 Ex. 1 at 7.

5 (e) Eligibility for a student organization account with fiscal services at
6 Hastings. *See* Chapman Depo. at 61; Kane Depo. Ex. 1 at 9.

7 (f) Eligibility to apply for student activity fee funding awarded at ASUCH's
8 discretion.¹ *See* Chapman Depo. at 17, 61; Kane Depo. Ex. 1 at 9, 63.

9 (g) Eligibility to apply for limited travel funds through the Office of Student
10 Services.² *See* Chapman Depo. at 65; Kane Depo. Ex. 1 at 17-18.

11 (h) Ability to place announcements in the Hastings Weekly, a weekly
12 newsletter prepared and distributed by the Office of Student Services. *See* Chapman Depo.
13 at 67-68; Kane Depo. Ex. 1 at 13.

14 (i) Eligibility to apply for permission to use limited office space at the College.
15 *See* Chapman Depo. at 73; Kane Depo. Ex. 1 at 14.

16 (j) Eligibility for the use of an organization voice mailbox for telephone
17 messages. *See* Chapman Depo. at 73; Kane Depo. Ex. 1 at 18.

19 ¹ASUCH receives money to allocate to registered student organizations through a
20 voluntary student activity fee the Hastings student body imposed on itself by a vote and a
21 mandatory student activity fee imposed by Hastings. *See* Exhibit 1 to Kane Depo. at 66; *see*
22 *also* Kane Depo. at 64. ASUCH has discretion to allocate student activity fee funds to
registered student organizations as it sees fit. *See* Chapman Depo. at 62. No College
administrator, faculty member or other employee of Hastings approves ASUCH's budget.
See Chapman Depo. at 62.

23 ²The Office of Student Services receives the money to provide travel funds to
24 registered student organizations from vending machine commission monies. *See* Chapman
25 Depo. at 63; *see also* Kane Depo. at 64; Exhibit 1 to Kane Depo. at 17. The amount of travel
26 funds available each academic year averages between four and five thousand dollars. *See*
27 Chapman Depo. at 64; *see also* Exhibit 1 to Kane Depo. at 17. In allocating travel funds, the
28 Office of Student Services considers the total number of registered student organizations
applying for travel funds, where the student group is traveling, and the expected cost of the
travel. *See* Chapman Depo. at 64. The Office of Student Services attempts to allocate travel
funds among all the applicant registered student organizations in an equitable manner. *See*
Chapman Depo. at 64.

(k) Listing on the Office of Student Services' website and any hard copy lists, including the Student Guidebook and admissions publications, such as the Hastings Bulletin. *See* Chapman Depo. at 73-75; *id.* Ex. 16 at Doc. No. UCH00363.

(l) Participation in the Student Organizations Faire held once a year.³ *See* Chapman Depo. at 76-77.

(m) Use of the Student Information Center for distribution of organization materials to the Hastings community. *See* Kane Depo. Ex. 1 at 63.

10. Registered student organizations are also eligible to apply for permission to use Hastings' rooms and audio-visual equipment for meetings. *See* Chapman Depo. at 69-70; Kane Depo. Ex. 1 at 13-15, 63. As discussed below in paragraphs 58, 61, CLS, although not currently registered, is eligible to apply for permission to do so as well. *See* Chapman Depo. at 69-70.

11. Non-registered organizations also have access to different bulletin boards located on the College's Campus and may use chalkboards to make announcements. *See* Chapman Depo. at 55-56.

12. As a condition of becoming a registered student organization at Hastings, and gaining access to the benefits enumerated above, the College requires organizations to comply with the College's Policies and Regulations Applying to College Activities, Organizations and Students ("Policies and Regulations"). *See* Kane Depo. Ex. 1 at 20, 63. A copy of the Policies and Regulations is attached as Exhibit B.

13. Among other things, the Policies and Regulations provide that Hastings and the University of California "neither sponsor nor endorse" registered student organizations. *See*

³Each year UC Hastings holds the Student Organizations Faire from 10:00 am to 2:00 pm one day the week after the deadline for registering student organizations. *See* Chapman Depo., at 76-77. At the Student Organizations Faire, each registered student organization has a table set up where they hand out materials and meet new students. *See* Chapman Depo., at 76-77; Haddad Depo., at 85. The Student Organizations Faire provides an opportunity for registered student organizations to publicize their organization's existence and attract new members. *See* Chapman Depo., at 76-77; Haddad Depo., at 85.

1 Kane Depo. Ex. 1 at 3, 62; Kane Depo. at 52-53; Defs.' Resp. to Pl.'s Interrogs. No. 23.
 2 Registered student organizations are required to enter into a license agreement in order to
 3 use Hastings' name and logos, which provides that the organization "will inform its members
 4 and include in all its written materials that [Hastings] does not sponsor the organization nor
 5 its activities and that [Hastings] assumes no legal responsibility for the organization, its
 6 officers or members, or any of its activities." *See* Kane Depo. Ex. 1 at 3, 63.

7 14. Among other things, the Policies and Regulations also require registered student
 8 organizations to abide by the Policy on Nondiscrimination ("Nondiscrimination Policy"),
 9 Section 20.00 of the Policies and Regulations. *See* Chapman Depo. at 28-29; Kane Depo. at
 10 54; *id.* Ex. 1 at 22, 65.

11 15. The Nondiscrimination Policy provides:

12 The College is committed to a policy against legally impermissible, arbitrary or
 13 unreasonable discriminatory practices. All groups, including administration,
 14 faculty, student governments, College-owned student residence facilities and
 15 programs sponsored by the College, are governed by this policy of
 nondiscrimination. The College's policy on nondiscrimination is to comply fully
 with applicable law.

16 The University of California, Hastings College of the Law shall not discriminate
 17 unlawfully on the basis of race, color, religion, national origin, ancestry,
 18 disability, age, sex or sexual orientation. This nondiscrimination policy covers
 admission, access and treatment in Hastings-sponsored programs and activities.
 (*See* Kane Depo. Ex. 1 at 65)

19 16. The Nondiscrimination Policy was adopted in June of 1990 and amended to its
 20 current form in June of 2002. Def.'s Resp. to Pl.'s First Set of Interrogs., No. 21. Hastings
 21 uses the terms in the Policy, including "sexual orientation" and "religion," according to their
 22 common, ordinary meaning. *See* Defs.' Resp. to Pl.'s Interrog. Nos. 4-5; Kane Depo., at 29,
 23 38. Since its adoption in 1990, no student organization at Hastings (except CLS) has ever
 24 sought an exemption from the Policy. *See* Def.'s Resp. to Pl.'s Interrog. No. 19.

25 17. In order to become a registered student organization, a student organization's
 26 bylaws must provide that its membership is open to all students and the organization must
 27 agree to abide by the Nondiscrimination Policy. *See* Chapman Depo. at 30, 45; Kane Depo.
 28

1 at 48-50. A student organization's failure to comply with the Nondiscrimination Policy will
 2 result in the denial or revocation of the status and privileges of being a registered student
 3 organization. *See Kane Depo. Ex. 1 at 20, 63; Kane Depo. at 66-67.*

4 18. Hastings requires that registered student organizations allow any student to
 5 participate, become a member, or seek leadership positions in the organization, regardless of
 6 their status or beliefs. *See Kane Depo. at 49; Chapman Depo. at 29-31.* Thus, for example,
 7 the Hastings Democratic Caucus cannot bar students holding Republican political beliefs
 8 from becoming members or seeking leadership positions in the organization. *See Kane*
 9 *Depo. at 50.*

10 19. Hastings has never received a complaint that a student organization discriminates
 11 on the basis of religion or sexual orientation. *See Kane Depo. at 30; Chapman Depo. at 98;*
 12 *Defs.' Resp. to Pl.'s Interrog. No. 14.*

13 20. Section 34.11 of the Policies and Regulations provides registered student
 14 organizations with an opportunity to request to be heard by the Director of Student Services
 15 before facing revocation or denial of registration, loss of privileges or other sanctions for
 16 failure to comply with College policies or regulations. *See Kane Depo. at 65-67; Kane*
 17 *Depo. Ex. 1 at 63; Chapman Depo. at 97-98.* No such request has ever been made and no
 18 formal hearing has ever occurred. *See id.*

19 21. A registered student organization may appeal any decision made by the Director
 20 of Student Services to the Dean of the College of the Law. *See Kane Depo. at 67-68; Defs.'*
 21 *Resp. to Pl.'s Interrogs. No. 16.* Student organizations may not appeal the decisions of either
 22 the Director of Student Services or the Dean of the College of the Law regarding revocation
 23 or denial of registration, loss of privileges or other sanctions to the Hastings Board of
 24 Directors. *See Kane Depo. at 68.*

25 26 **CLS PREDECESSOR STUDENT ORGANIZATIONS PRIOR** 27 **TO THE 2004-2005 ACADEMIC YEAR**

28 22. From the 1994-1995 academic year to the 2003-2004 academic year, a student

1 organization calling itself either the Hastings Christian Legal Society ("HCLS") or the
2 Hastings Christian Fellowship ("HCF") existed as a registered student organization at
3 Hastings. *See* 7/8/05 Deposition of Dina Haddad ("Haddad Depo.") at 144.

4 23. From the 1994-1995 academic year through the 2001-2002 academic year, these
5 organizations used the same set of bylaws. *See* Haddad Depo. at 146-47; *id.* Ex. 43. These
6 bylaws appear to be an old version of the chapter bylaws sent to student chapters throughout
7 the years by the National Christian Legal Society ("CLS-National"), a national group
8 described in more detail in paragraphs 31 - 36, *infra*. *See* 7/7/05 Deposition of David
9 Nammo ("Nammo Depo.") at 40-41. Despite these groups' use of these bylaws, they were
10 not officially affiliated with CLS-National. *See* Haddad Depo. at 145.

11 24. A copy of the bylaws used by HCLS from the 1995-1996 through the 2001-2002
12 academic years is attached as Exhibit C.

13 25. In the 2002-2003 and 2003-2004 academic years, the organization registered
14 using a different set of bylaws. Under the section titled "Membership," these bylaws
15 provided: "HCF welcomes all students of the University of California, Hastings College of
16 Law." *See* Haddad Depo. at 36-38; Haddad Depo. Ex. 37. These bylaws did not require that
17 those participating in HCF be members of CLS-National. *Id.* During these years, HCF did
18 not exclude members on the basis of religion or sexual orientation. *See* Haddad Depo. at
19 153. A copy of these bylaws is attached as Exhibit D.

20 26. During the 2003-2004 academic year, HCF held bi-weekly Bible studies, in
21 addition to a social gathering at Baker Beach, an Easter event in which Hastings students
22 were invited to church service, an Easter basket drive, and a Christmas toy drive. *See*
23 Haddad Depo. at 27-28. Approximately five (5) to seven (7) students attended these
24 meetings and events. *See* Haddad Depo. at 32.

25 27. One participant in these meetings was known by other members of the group to
26 be a practicing lesbian. *See* 7/13/05 Deposition of Isaac Fong ("Fong Depo.") at 31, 37;
27 Haddad Depo. at 41-42. She voluntarily ceased attending HCF's meetings some time in the
28

1 Fall of 2003. *See* Fong Depo. at 34-35.

2 28. At least two participants also attended these meetings who held beliefs
3 inconsistent with what CLS considers to be orthodox Christianity. *See* Fong Depo. at 35-37.

4 29. From the 1994-1995 academic year to the 2004-2005 academic year, there was an
5 average of less than five (5) members of CLS-National participating in HCLS and HCF
6 during any given year. *See* Pl.'s Supp. Resp. To Defs.' Interrogs., No. 8. From the 1994-
7 1995 academic year to the 2004-2005 academic year, a total of thirty-one (31) Hastings
8 students were official members of CLS-National. *See* Pl.'s Resp. To Defs.' Interrogs.,
9 No. 8. During the 2002-2003 and 2003-2004 academic years, there were no official
10 members of CLS-National in HCF. *See* Pl.'s Resp. To Defs.' Interrogs., No. 8.

11 THE INSTANT LITIGATION

12 30. At the close of the 2003-2004 academic year, leadership of HCF (as it was then
13 named) passed to three individuals for the 2004-2005 academic year: Isaac Fong
14 (President), Dina Haddad (Vice President), and Julie Chan (Treasurer). *See* Haddad Depo.
15 at 13-14. These individuals assumed leadership informally and no formal vote of the HCF
16 membership was taken to elect them. *See* Haddad Depo. at 49, 79.

17 31. Over the course of the summer, Ms. Haddad and Mr. Fong decided to officially
18 affiliate their student organization with the national organization known as the Christian
19 Legal Society ("CLS-National"), a nationwide association of Christian lawyers, law
20 students, law professors, and judges that maintains both attorney and law student chapters
21 across the country. *See* FAC ¶ 3.1.

22 32. CLS-National requires its formally associated student chapters to use a specific
23 set of bylaws, copies of which are sent to any interested student group along with a
24 registration packet containing information and advice as to how to start and maintain a
25 student group. *See* Nammo Depo. at 29-33, 85-86, 94. A copy of these bylaws is attached
26 as Exhibit E.
27

1 33. The required bylaws promulgated by CLS-National for use during the 2004-2005
2 academic year require any student wishing to become a member or officer to sign a
3 "Statement of Faith." The Statement of Faith provides:

4 Trusting in Jesus Christ as my Savior, I believe in:

- 5 • One God, eternally existent in three persons, Father, Son and Holy Spirit.
- 6 • God the Father Almighty, Maker of heaven and earth.
- 7 • The Deity of our Lord, Jesus Christ, God's only Son conceived of the Holy
8 Spirit, born of the virgin Mary; His vicarious death for our sins through
9 which we receive eternal life; His bodily resurrection and personal return.
- 10 • The presence and power of the Holy Spirit in the work of regeneration.
- 11 • The Bible as the inspired Word of God. (*See* FAC, Ex. A)

12 34. It is CLS's position that certain conduct including, but not limited to, unrepentant
13 homosexual conduct is inconsistent with the Statement of Faith and provides grounds for
14 barring or disqualifying someone from becoming a CLS member or serving as a CLS
15 officer. *See* FAC ¶3.8; Nammo Depo. at 50-51; *id.* Ex. 27.

16 35. Individuals who refuse to sign or affirm the CLS-National's Statement of Faith
17 are not permitted to be CLS members or officers. *See* Haddad Depo., at 96-97; Chapman
18 Depo. Ex. 14 at 1-2. Students with religions that have tenets different from those set forth in
19 the Statement of Faith are barred from membership and leadership positions. *See* Nammo
20 Depo. at 50-51; FAC ¶3.11.

21 36. Under CLS-National's required bylaws, only CLS-National members may vote
22 for or remove officers, amend the group's constitution, or stand for election to an officer
23 position. *See* Chapman Depo. Ex. 4 at 2; Fong Depo., at 57. Any student, however, may
24 attend CLS's meetings and other activities, regardless of their religion or sexual orientation.
25 *See* Haddad Depo. at 38, 97; Fong Depo. at 40-41.

26 37. In early September 2004, Ms. Haddad and Mr. Fong applied to the Office of
27 Student Services for travel funds to travel to CLS-National's annual conference. *See id.* at
28 69-70. On or about September 9, 2004, Ms. Chapman informed Ms. Haddad via email that

1 the Office of Student Services had set aside \$250.00 in travel funds to cover Ms. Haddad and
2 Mr. Fong's expenses associated with attending the conference. *See* Chapman Depo. at 66,
3 102; Chapman Depo. Ex. 17.

4 38. Thereafter, on September 17, 2004, CLS submitted its registration form, license
5 agreement for use of college name and (using the form bylaws sent out by CLS-National) its
6 new set of bylaws to the Office of Student Services. *See* Chapman Depo. at 108; *id.* Ex. 21.

7 39. On September 21, 2004, Ms. Chapman informed Mr. Fong via email that CLS's
8 bylaws did not appear to be compliant with the Nondiscrimination Policy and invited him to
9 meet with her to discuss changing them. *See* Haddad Depo. at 83; Chapman Depo. at 100,
10 Ex. 19. A copy of this letter is attached as Exhibit F.

11 40. On September 23, 2004, Mr. Fong, Ms. Haddad, and Ms. Chan met with
12 Ms. Chapman to discuss CLS's bylaws. *See* Chapman Depo. at 82; Haddad Depo. at 88. At
13 the meeting, Ms. Chapman informed the students that CLS's bylaws were not compliant
14 with the religion and sexual orientation provisions of the Nondiscrimination Policy and that
15 they would need to be amended in order for CLS to become a registered student organization
16 at Hastings. In response, Ms. Haddad handed Ms. Chapman a letter prepared by CLS-
17 National's counsel stating that unless Hastings agreed by September 30, 2004, to allow CLS
18 to become a registered student organization, CLS would commence legal action against the
19 College. *See* Haddad Depo. at 99-100; Kane Depo. Ex. 3 at 7. A copy of this letter is
20 attached as Exhibit G.

21 41. On or about October 1, 2004, Hastings informed CLS via a letter that "to be one
22 of our student-recognized organizations, [CLS] must open its membership to all students
23 irrespective of their religious beliefs or sexual orientation." *See* Haddad Depo. at 102; Kane
24 Dep. Ex. 9. A copy of this letter is attached as Exhibit H.

25 42. On or about October 11, 2004, Ms. Chapman informed Ms. Haddad via email
26 that the \$250.00 in travel funds previously set aside for travel to the CLS-National
27 conference had been withdrawn because of CLS's failure to become a registered student
28

1 organization. See Chapman Depo. at 66, 107; see also *id.* Ex. 20. A copy of this email is
2 attached as Exhibit I.

3 43. On or about October 22, 2004, CLS filed the instant lawsuit against Hastings.

4
5 **CLS DURING THE 2004-2005 ACADEMIC YEAR.**

6 44. CLS held weekly Bible-study meetings beginning on August 31, 2004. See Fong
7 Depo. at 47-48; *id.* at 69; *id.* Ex. 41; Haddad Depo. at 51. In addition to Bible studies, CLS
8 hosted a beach barbeque, a Thanksgiving dinner, a campus lecture on the Christian faith and
9 the legal practice, several fellowship dinners, an end-of-year banquet during the 2004-2005
10 academic year, and several informal social activities. See Haddad Depo., Ex. 41 at 1-2;
11 Fong Depo. at 48-52; Haddad Depo. at 122-23. Also, CLS invited Hastings students to
12 attend Good Friday and Easter Sunday church services with the group. See Haddad Depo.
13 Ex. 41 at 1-2; Fong Depo. at 50.

14 45. On September 23, 2004, CLS participated in the annual Student Organizations
15 Faire. See Chapman Depo. at 82.

16 46. Ms. Haddad, Mr. Fong, and Ms. Chan did not inform those attending CLS
17 meetings in 2004-2005 that they decided to formally affiliate the organization with CLS-
18 National or that they had decided to change the group's name and bylaws until
19 September 28, 2004. See Haddad Depo. at 106-107; Fong Depo. at 67. CLS's officers did
20 not put their decision to change the group's bylaws to a vote. See Haddad Depo. at 102, 106.

21 47. Approximately fifteen (15) students attended the September 28, 2004, meeting.
22 See Fong Depo. at 71. Following the meeting, at least four (4) students ceased attending
23 CLS functions. See Fong Depo. at 87. Also, CLS's Treasurer resigned from her position
24 and her membership in CLS in January 2005. See Haddad Depo. at 110; Fong Depo. at 91-
25 92.

26 48. Between nine (9) to fifteen (15) Hastings students (including CLS's officers)
27 regularly attended CLS's meetings and activities during the 2004-2005 academic year. See
28 Haddad Depo. at 113. Aside from CLS's officers, one became an official member of CLS-

1 National during that year by signing the Statement of Faith. *See* Haddad Depo. at 113.

2 49. During CLS's weekly Bible study meetings in 2004-2005, the meetings typically
3 would open and close with prayer, praise and worship, and include announcements, Bible
4 study, sharing of prayer requests, group prayer, and a time of fellowship. *See* Pl.'s Resp. to
5 Defs.' Interrog. No. 13; Fong Depo. at 42; Haddad Depo. at 123-24. The Bible study was
6 led by one of CLS's remaining officers. *See* Fong Depo. at 47; Haddad Depo., at 124.

7 50. At no time during the 2004-2005 academic year did any known non-Christian
8 student seek to join CLS as a member, become an officer, or attend any of its meetings. *See*
9 Fong Depo. at 52-53; Haddad Depo. at 125, 126-27.

10 51. During the 2004-2005 academic year, any attendee or member was welcome to
11 lead the group in prayer, share prayer requests, and otherwise participate in prayer. *See*
12 Haddad Depo. at 124, 129-30; Fong Depo. at 43.

13 52. During the 2004-2005 academic year, the topic of homosexuality was not
14 discussed at CLS's meetings outside of the September 28, 2004, meeting referenced in
15 paragraph 47 and occasional updates by Ms. Haddad or Mr. Fong concerning the instant
16 litigation. *See* Haddad Depo. at 130; Fong Depo. at 45.

17 53. The specific language of CLS-National's Statement of Faith was not discussed at
18 these meetings outside of Mr. Fong's or Ms. Haddad's occasional updates concerning the
19 instant litigation. *See* Fong Depo. at 45. While the Statement of Faith was not referenced,
20 the beliefs reflected therein were discussed during CLS's Bible studies.

21 54. At no time during the 2004-2005 academic year did any known gay, lesbian, or
22 bisexual person student seek to join CLS as a member or officer or attend any of its
23 meetings. *See* Fong Depo. at 52-53; Haddad Depo. at 125, 126-27.

24 55. CLS-National has expelled one member from membership due to the fact that
25 CLS believed that he held beliefs inconsistent with the Statement of Faith. *See* Nammo
26 Depo. at 53-58.

27 56. During his deposition, CLS's Director of Membership Ministries and Director of
28

1 Law School Ministries, who is responsible for coordinating and administering CLS's
 2 membership procedures and addressing membership issues, testified that he was unaware of
 3 any instance in which a known gay, lesbian, or bisexual person sought to join CLS-National
 4 or was expelled from CLS-National. See Nammo Depo. at 22-25, 51-52.

5 57. CLS is not aware of any instance in which a known gay, lesbian, or bisexual
 6 person or non-Christian was expelled from HCLS or HCF from the 1994-1995 through the
 7 2003-2004 academic years. Haddad Depo. at 153.

8 58. Although Hastings informed CLS in October of 2004 that it was free to make use
 9 of its facilities for meetings, CLS never requested such use at any time during the 2004-2005
 10 academic year. Pl.'s Suppl. Resp. To Def.'s Interrog. No. 6.

11 **CLS DURING THE 2005-2006 ACADEMIC YEAR.**

12
 13 59. Due to its noncompliance with the Nondiscrimination Policy, CLS is the only
 14 organization of which Hastings is aware that is made up of Hastings students that is not
 15 registered with the College. See Chapman Depo. at 23-24; Defs.' Resp. To Pl.'s Interrog.,
 16 Nos. 15, 18, 19.

17 60. On or about August 29, 2005, Hastings, upon learning that CLS was continuing
 18 to use the Hastings name, informed CLS that it could no longer call itself "Hastings
 19 Christian Fellowship" and must remove the name "Hastings" from its name. See Ex J.

20 61. On or about September 21, 2005, Hastings' General Counsel reiterated Hastings'
 21 offer of its facilities for meetings, and stated that CLS could reserve rooms and the patio area
 22 on campus for its events. A copy of this email is attached as Exhibit K.

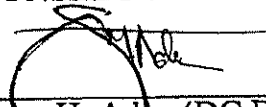
23 62. On or about September 21, 2005, in response to CLS's requests, Hastings'
 24 General Counsel also informed CLS that while it was free to use chalkboards and generally
 25 available bulletin boards on the campus to announce its events, CLS did not have permission
 26 to use the Student Information Center for distribution of organization materials, nor the
 27 Hastings Weekly or ASUCH weekly emails to make announcements. See Ex. L.

1 63. On or about September 20, 2005, the CLS officers for the 2005-2006 academic
2 year were elected by a formal vote of the CLS membership. *See* Doc. Nos. CLSHAS02188-
3 CLSHAS02194; *see also* Pl.'s Second Supp. Resp. to Defs.' Interrog. No. 7.

4 64. To date, there are seven (7) members of CLS for the 2005-2006 academic year,
5 including the three (3) CLS officers. *See* Pl.'s Second Supp. Resp. to Defs.' Interrog. No. 7,
6 8, and 10.

7 Stipulated this _____ day of October, 2005.
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COUNSEL FOR PLAINTIFF


Steven H. Aden (DC Bar No. 466777)
(Lead Counsel)
Gregory S. Baylor (TX Bar No. 1941500)
Timothy J. Tracey (GA Bar No. 715195)
RELIGIOUS LIBERTY ADVOCATES
OF THE CHRISTIAN LEGAL SOCIETY
8001 Braddock Rd., Suite 300
Springfield, VA 22151
Tel: (703) 642-1070
Fax: (703) 642-1075

Timothy Smith (No. 125534)
MCKINLEY & SMITH
A Professional Corporation
3445 American River Dr., Suite A
Sacramento, CA 95864
Tel: (916) 972-1333
Fax: (916) 972-1335

Steven Burlingham (No. 88544)
GARY, TILL & BURLINGHAM
5330 Madison Ave., Suite F
Sacramento, CA 95841
Tel: (916) 332-8112
Fax: (916) 332-8153

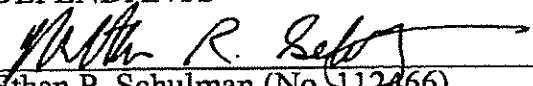
Of Counsel:

Benjamin W. Bull (AZ Bar No. 009940)
Gary S. McCaleb (ZA Bar No. 018848)
ALLIANCE DEFENSE FUND
15333 North Pima Road, Suite 165
Scottsdale, AZ 85260
Tel: (800) 835-5233
Fax: (480) 444-0028

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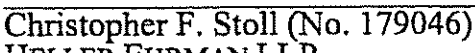
JOINT STIPULATION OF FACTS FOR
CROSS-MOTIONS FOR SUMMARY JUDGMENT

COUNSEL FOR HASTINGS
DEFENDANTS


Ethan P. Schulman (No. 112466)
Matthew R. Schultz (No. 220641)
HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
A Professional Corporation
Three Embarcadero Center, 7th Floor
San Francisco, CA 94111-4024
Tel: (415) 434-1600
Fax: (415) 217-5910

Elise K. Traynum (No. 127965)
General Counsel and Secretary to the
Board
HASTINGS COLLEGE OF THE LAW
UNIVERSITY OF CALIFORNIA
198 McAllister St., Mezzanine Level
San Francisco, CA 94102
Tel: (415) 565-4787
Fax: (415) 565-4825

COUNSEL FOR DEFENDANT-
INTERVENOR OUTLAW


Christopher F. Stoll (No. 179046)
HELLER EHRMAN LLP
333 Bush St.
San Francisco, CA 94104-2878
Tel: (415) 772-6000
Fax: (415) 772-6268

Shannon Minter (No. 168907)
NATIONAL CENTER FOR LESBIAN RIGHTS
870 Market Street, Suite 570
San Francisco, CA 94104
Tel: (415) 392-6257
Fax: (415) 392-8442

COUNSEL FOR PLAINTIFF

COUNSEL FOR HASTINGS
DEFENDANTS

Steven H. Aden (DC Bar No. 466777)
(Lead Counsel)
Gregory S. Baylor (TX Bar No. 1941500)
Timothy J. Tracey (GA Bar No. 715195)
RELIGIOUS LIBERTY ADVOCATES
OF THE CHRISTIAN LEGAL SOCIETY
8001 Braddock Rd., Suite 300
Springfield, VA 22151
Tel: (703) 642-1070
Fax: (703) 642-1075

Timothy Smith (No. 125534)
MCKINLEY & SMITH
A Professional Corporation
3445 American River Dr., Suite A
Sacramento, CA 95864
Tel: (916) 972-1333
Fax: (916) 972-1335

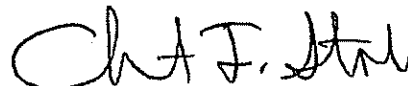
Steven Burlingham (No. 88544)
GARY, TILL & BURLINGHAM
5330 Madison Ave., Suite F
Sacramento, CA 95841
Tel: (916) 332-8112
Fax: (916) 332-8153

Of Counsel:

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Gary S. McCaleb (ZA Bar No. 018848)
ALLIANCE DEFENSE FUND
15333 North Pima Road, Suite 165
Scottsdale, AZ 85260
Tel: (800) 835-5233
Fax: (480) 444-0028

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